

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRAD McPHERSON,

Petitioner,

-against-

SUPT. LILLEY,

Respondent.

25-CV-3220 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is currently incarcerated at Eastern New York Correctional Facility, brings this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 challenging the constitutionality of his 2019 conviction in the New York Supreme Court, Richmond County. Because Petitioner was convicted and sentenced in Richmond County, which is located in the Eastern District of New York, *see* 28 U.S.C. § 112(c), the Court transfers this action, under Local Civil Rule 83.3, to the United States District Court for the Eastern District of New York.

**CONCLUSION**

Accordingly, the Court directs the Clerk of Court to transfer this action to the United States District Court for the Eastern District of New York. Whether Petitioner may be permitted to proceed further without payment of fees is a determination to be made by the transferee court.<sup>1</sup> This order closes this case in this court.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

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<sup>1</sup> The Court notes that Petitioner did not pay the filing fee or submit an application to proceed *in forma pauperis*.

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 21, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge